

 KENTUCKY CORRECTIONS Policies and Procedures	Policy Number	Total Pages
	5.1	6
	Date Filed	Effective Date
	May 14, 2008	September 5, 2008
References/Authority ACA 4-4108 through 4-4113 KRS 196.030, 196.035, 197.020, 439.510, 439.990 45 CFR 46 P & P ACA 3-3106, 3-3108, 3-3109, 3-3110, 3-3111, 3-3112, 3-3113, 3-3114, 3-3115, and 3-3116	Subject RESEARCH AND SURVEY PROJECTS	

I. DEFINITIONS

"Agency research" means studies conducted by employees of Corrections usually by, or in conjunction with, the Office of Research and Grants in the central office.

"Cooperative research" means any research which involves the collection of information pertaining to offenders under the jurisdiction of Corrections or to employees of Corrections which is conducted by non-Corrections personnel or by Corrections personnel outside their normal job duties.

"Medical experimentation" means any medical or dental experiments and pharmaceutical studies using consensual offenders as subjects.

"Offender" means any inmate, probationer, or parolee under the jurisdiction of Corrections.

"Research activities" means the application of procedures for solving a problem or testing a hypothesis.

"Recidivism" means re-incarceration of an offender in a Kentucky adult correctional facility within twenty-four (24) months of release from a correctional institution.

"Survey" means a written data collection instrument submitted to Corrections by a professional or academic organization.

II. POLICY and PROCEDURE

Research assists Corrections in establishing goals, objectives, and plans for the future and may contribute to more efficient and effective supervision of offenders, conservation of

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resources, and increased public safety. This research shall be conducted within the following parameters:

- A. Designated staff from the Office of Research and Grants shall review and recommend to the Commissioner all research projects prior to their implementation. The Director of the Division of Probation and Parole shall review and approve research projects pertaining to Probation and Parole prior to their implementation.
- B. Corrections may seek financial support for its research programs from private funding agencies.
- C. Corrections may support and engage in internal research relevant to its programs, as well as research conducted by outside professionals.
- D. Distribution of research findings shall be approved by the Commissioner or designee in advance.
- E. Appropriate personnel shall assist the Office of Research and Grants staff in determining what questions shall be addressed, what data shall be gathered, and how that data shall be presented.
- F. An offender shall not be compelled or forced to participate in a medical or a pharmaceutical experiment.
- G. Cooperative Research

1. Application to Conduct Cooperative Research

Applications to conduct cooperative research shall be directed to the Office of Research and Grants.

- a. A research proposal shall meet the following criteria:

- (1) The researcher or the sponsoring organization has professional standing in corrections, education, or a related field;
 - (2) The design of the research proposal is of sufficient quality to predict that the results shall be reliable and valid;
 - (3) The project has identifiable benefits for Corrections, particularly those projects that are compatible with

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Corrections' efforts or include information that may be used by Corrections; and

- (4) The researcher agrees to abide by the Conditions of Participation specified herein.

b. A research proposal shall contain the following:

- (1) Full name of the researcher, researcher's qualifications, and sponsoring organization, if any;
- (2) Statement of the purpose of the research;
- (3) Detailed description of the methodology;
- (4) Description of anticipated benefits to Corrections, criminal justice profession, or others;
- (5) Specification of the information to be obtained and sources;
- (6) Questionnaires, tests, or interviews that may be administered directly to subjects, if applicable, as well as copies of each informed consent form signed by each subject;
- (7) The specific procedure to be utilized in order to comply with the Conditions of Participation specified herein, if applicable; and
- (8) An original, signed Research Agreement Form stipulating the researcher's responsibilities and conditions of conducting research.

c. The Office of Research and Grants may also request additional documentation concerning any aspect of the research prior to a decision to recommend a cooperative research project.

2. Conditions of Participation

The researcher shall ensure the protection of the rights and well being of the individuals involved in the study. Prior to receiving Corrections' approval, the researcher shall agree to abide by the following conditions of participation:

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- a. Information that identifies an individual may be used only for research or statistical purposes. Therefore, this information shall not be revealed for any purpose other than approved research. It shall not be included in reports or publications and shall be maintained under physically secure conditions. At the termination of the project, identifying information - specifically names and identifying numbers - shall be destroyed or otherwise separated from the data.
- b. Information may be collected directly from the research subject only with the informed and voluntary consent of the subject. The researcher shall be responsible for obtaining an approved signed consent form for each participant. The consent form shall clearly state the purpose of the project and the activities in which the subject will be involved and include an explanation to the inmate of the goals and expectations of the project. The researcher shall forward consent forms to the Office of Research and Grants.
- c. If an offender under the custody or supervision of Corrections is involved in a cooperative research project, the original signed informed consent shall be forwarded to the Office of Research and Grants prior to or immediately after the start of his participation in the research project. The signed informed consent shall then be placed in the electronic record. Information designated as privileged in KRS 439.510 shall not be disclosed by the researcher, subject to the penalties specified in KRS 439.990.
- d. Information or data obtained under the auspices of a cooperative research project shall be made available to the Department of Corrections upon request. Full documentation may be required, including a comprehensive code listing as well as computer programs and statistical techniques that are used to collect, analyze, or store the data. Raw or source data, if requested, shall be made available upon completion of the project.
- e. The researcher shall forward a copy of the completed research project to the Department of Corrections through the Office of Research and Grants.
- f. Information collected or obtained through cooperative research shall not be transferred to a third party without the approval of the Commissioner of the Department of Corrections. Recipients of transferred data shall be subject to the same conditions of participation stated herein.

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- g. Information obtained through cooperative research shall not be used in any proceeding against the Department.

3. Processing of Proposed Cooperative Research

a. Review

The Office of Research and Grants shall review each proposal to determine if it meets the guidelines specified herein. If the proposal does not meet the guidelines, staff shall return it to the researcher with a statement of explanation. If the proposal does meet the guidelines and involves offenders or Corrections personnel, the reviewer shall forward it to the appropriate Deputy Commissioner(s). The Deputy Commissioner(s) shall be responsible for discussing the proposal with the Warden(s) or District Supervisor(s), evaluating the impact on programs or operations, and communicating any concerns to the Office of Research and Grants.

b. Approval

Office of Research and Grants staff may recommend the research project for approval to the Commissioner who shall make the final determination.

c. Notification

Office of Research and Grants staff shall notify the researcher in writing of approval or disapproval within four (4) weeks of receiving all of the necessary information. The appropriate Warden or District Supervisor shall be notified at the same time.

4. Publication Rights

Publications shall contain a statement that acknowledges Corrections' participated in the project, but disclaims approval or endorsement of the findings. In the case of audio visuals, Corrections manuals, books, articles, or other copyrightable material, the Department reserves a royalty-free, non-exclusive, and irrevocable license to reproduce and use the materials.

5. Offender Medical Experimentation

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Offenders under the jurisdiction of Corrections shall not be required to be the subject of medical, pharmaceutical, or experimental behavioral modification research of any type.

6. Non-Compliance

Failure to comply with any of the policies or procedures stated herein shall constitute grounds for termination of the project and may result in denial of future research proposals by the researcher and the sponsoring agency or institution.

H. Surveys

1. Academic and Professional Organization Surveys

The Office of Research and Grants shall respond in a timely manner to surveys sent to Corrections by an academic or professional organization seeking statistical or other data. Surveys received by other staff members shall be forwarded to the Office of Research and Grants for response to ensure continuity and comprehensive recordkeeping. Publications resulting from or containing survey responses shall be maintained by the Office of Research and Grants.

2. Commercial Surveys

A survey received from a private, for-profit business for commercial purposes shall be responded to by the Office of Research and Grants staff if time and other duties allow and if there is a clear benefit to Corrections from participation.

I. Review of Policy

This policy shall be reviewed annually to ensure accurate and appropriate procedures for the effective operation of Corrections.

DEPARTMENT OF CORRECTIONS
RESEARCH CONSENT FORM

I freely and voluntarily agree to participate in the research project entitled

_____.

I fully realize that my participation is of my own choosing and I agree not to hold the Department of Corrections responsible for any personal injury to myself and release any claim against the Department of Corrections pertaining to the research project. The project has been satisfactorily explained to me and all my questions have been satisfactorily answered.

Signature of Participant

Date

Signature of Staff Witness

Date

DEPARTMENT OF CORRECTIONS
RESEARCH AGREEMENT

I agree to abide by all Corrections policies that govern the conduct of research.

I fully realize that the use and dissemination of research findings that may identify an offender participant or staff of Corrections shall require a signed statement of consent by each identified offender or staff.

I agree to permit a staff member assigned by the program administrator, for example warden or supervisor, or designated Office of Research and Grants staff to monitor the research project while in progress.

I have attached or previously submitted a proposal including the anticipated use and dissemination of the research findings for approval prior to the start of research, complying with all aspects of CPP 5.1.

I agree to submit all research findings to Correction's designated Office of Research and Grants or Information and Technology Branch staff upon completion of the research.

I agree that no research findings shall be used in any proceeding against the Department of Corrections.

Researcher

Date

Witness

Date